

**IN THE UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT
OF TEXAS SAN ANTONIO DIVISION**

LARRY JOHNSON, WENDY WALKER,
AMELIA PELLICCIOTTI;

NATIONAL FEDERATION
OF THE BLIND OF TEXAS; and

THE COALITION OF TEXANS
WITH DISABILITIES,

Plaintiffs,

VS.

JACQUE CALLANEN, in her official capacity as the Bexar County Elections Administrator; and BEXAR COUNTY, TEXAS,

Defendants.

.....

Civil Action No. 5:22-cv-409-XR

**THE BEXAR COUNTY DEFENDANTS' STATUS REPORT FOR THE
NOVEMBER 2023 ELECTION**

**TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE
XAVIER RODRIGUEZ**

Now comes Bexar County, Texas and Jacque Callanen, in her Official Capacity as the Bexar County Elections Administrator, to provide their Report concerning the November 2023 election.

- 1. When was the media package was implemented and good faith acts to publicize the media release package and the availability of accessible, electronic means of applying and voting by absentee ballot in Bexar County;**

The Bexar County webpage went live on October 13, 2023. Screenshots of the Bexar County Webpage are attached as Exhibit 1.

The Media Package was sent out October 13, 2023 and was sent to:

- Alamo Council for the Blind
- Vibrant Works- Empowering People with Vision Loss
- Blind and Visually Impaired Services\ City of San Antonio
- National Federation of the Blind – San Antonio Chapter

A ballot was mailed to Plaintiff Larry Johnson on October 13, 2023.

Election Administrator Jacque Callanen did numerous media interviews including a lengthy one on NPR which included discussion of this new system for Blind voters.

2. The Number of Individuals who requested an RAVBM ballot;

Four

Bexar County Election's Department received one application in time for the election. There were three requests for ballots and attestations that came in late.

These Applicants were contacted to vote in person due to the deadline.

3. The number of Individuals who were issued an RAVBM ballot;

One

4. The number of Individuals who submitted an RAVBM ballot;

One

5. The number of RAVBM ballots that were accepted and rejected, and the reasons for the rejections;

The Bexar County Election's Department received one application in time for the election. Three ballots came in late, and the Applicants were contacted to vote in person due to the deadline.

6. Descriptions of any complaints or feedback from voters with disabilities regarding attempts to use the RAVBM system and descriptions of how those complaints were resolved.

The Bexar County Election's Department met with the Bexar County Technical Advisory Committee for Persons with Disabilities (TACPD) twice. The Feedback on the system and the program was overall well received. A couple issues that were brought to the Election Department's attention:

- MAIN Concern: Interest in the system was lacking due to the attestation and confidentiality of it.
- The place for the Voter to sign the envelope has a seam on it that must be signed over. This is an issue with all mail ballots due to the Secretary of State envelope requirements.
- It was recommended to provide a signature guide to the Voters interested in using the system.
- Many blind Voters do not have the technological ability on their home computers to use the program with a Reader.

- Many Voters do not have printers to print and submit the ballot.

The Election's Department reminded that groups that are promoting this program of the need to be clear that the Voter needs to give an email address and a phone number to use it.

Future Project Outreach

On November 29, 2023 Bexar County Election's Department had the opportunity to meet with the Owl Radio Station Liaison and talk to them about the project. The Election's Department reached out to see if they would be willing and able to assist us in outreach to the Blind Community through their Radio Station. The feedback that was received was extremely positive and the Election's Department is looking forward to this being a great partnership.

Owl Radio Station has offered to assist in PSA's on the radio, a 25-30 minute segment for the listeners to walk through the process, mailouts, and invited us to their monthly meetings to talk about the project. They are going to look over the website and the Election's Department is going to meet again soon to discuss moving forward with them on this project. <https://www.owlradio.org/>

Respectfully submitted,

JOE D. GONZALES
Criminal District Attorney
Bexar County, Texas

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CERTIFICATE OF ELECTRONIC FILING AND SERVICE

I do hereby certify on the 22nd day of December 2023, I electronically filed the foregoing with the Clerk of the Court using the CM-ECF system, which will send notification of such filing to the Plaintiff:

Lucia Romano LUCIA ROMANO Texas State Bar No. 24033013 Disability Rights Texas 1500 McGowen, Ste. 100 Houston, TX 77004-1153 Tel.: (713) 974-7691 Fax: (713) 974-7695 Email: lromano@drtx.org

Eve L. Hill EVE L. HILL* LAUREN J. KELLEHER* Brown Goldstein & Levy 120 E. Baltimore St., Ste. 1700 Baltimore, MD 21202 Tel.: (410) 962-1030 Fax: (410) 385-0869 Email: ehill@browngold.com Email: lkelleher@browngold.com

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*Admitted Pro HacVice

Susan A. Bowen
Susan A. Bowen

EXHIBIT 1

Applications

ot Carrier Envelope

arrier Envelope to make your vote count



**WHO REPRESENTS
ME? SEARCH**



**ELECTIONS
PRESS ROOM**



**HOW DO I?
ELECTIONS HELP**

**OPEN
RECORDS
REQUESTS**



**OMNIBALLOT
ACCESSIBLE
BALLOTS**



[Back to Elections Home](#)

Voter Registration

Early Voting & Absentee Ballots

Military/Overseas Voters

OmniBallot: Accessible Absentee Portal

Voter Precincts

Who represents me? Search

Registration Check & Polling Location Search

Voter Precinct Maps

CONTACT ELECTIONS

Jacquelyn F. Callanen

Elections Administrator

ONMIBALLOT: ACCESSIBLE ABSENTEE PORTAL

OmniBallot will allow legally blind individuals who are also registered voters residing in Bexar County, Texas to cast their ballot and vote in all nationwide, state and local elections in a secure manner via email. In the past voters who could not see, hold, or mark a paper postal ballot, or vote in the polls due to disabilities were not able to vote privately and independently.

Check out the video below for a demonstration on how to use the OmniBallot system.



▶ Instructions for Submitting an Application for Ballot by Mail ("ABBM")

▶ Instrucciones para entregar la solicitud de boleta por correo. ("ABBM")

▼ **Instructions for Submitting an Application for Ballot by Mail ("ABBM")**

1. Print (PDF) the ABBM form:

- [English Application for Ballot by Mail](#)
- [Spanish Application for Ballot by Mail](#)

2. Complete Sections 1 through 4.

3. Sign and Date Section 5.

4. For Section 6:

- If you were unable to sign the application and someone witnessed your signature, that person must complete Section 6.
- If someone helped you complete the application or mailed the application for you, that person must complete Section 6.

5. Affix postage.

- Printed application must be placed in your envelope and added postage.

6. Address and mail the completed ABBM to the Early Voting Clerk in your county.

- You may also fax the application if a fax machine is available in the early voting clerk's office.
- You also have the option of submitting a scanned copy of the completed and signed application to the Early Voting Clerk via email.
- If an ABBM is faxed or emailed, then the original hard copy of the application **MUST** be mailed and received by the early voting clerk no later than the 4th business day.

The Early Voting Clerk is the County Clerk or Elections Administrator for your county.

Contact information, including mailing addresses, fax numbers if available, and email addresses, for the Early Voting Clerks are available on this website.

DECLARATION TO VOTE BY MAIL BECAUSE OF BLINDNESS

- Download the [Declaration to Vote by Mail Because of Blindness](#)

Please note that this declaration must be placed in the same envelope as your application to vote by mail.

OMNIBALLOT PORTAL

Please [visit the OmniBallot Portal](#) to vote on your ballot.

COURT ORDER

Per Civil Action No. SA-22-CV-00409-XR that was filed in the United States District Court for the Western District of Texas, San Antonio Division, which, among others, mandates Bexar County to implement an electronic remote accessible vote-by-mail system (a "RAVBM") which is accessible by meeting the applicable requirements of the Web Content Accessibility Guidelines ("ACAG") 2.1, Level AA, for the benefit of "legally blind" individuals who are also registered voters in Bexar County, Texas by the November 7, 2023 election and all future elections for the next four years in time for the start of absentee voting.



Instrucciones para entregar la solicitud de boleta por correo. ("ABBM")